

Hamilton County Municipal Court, Cincinnati, Ohio
Small Claims Complaint

RANDY RINEAR

Case No. 12CV30000

7744 KNOLLWOODS LANE

☒ In accordance with civil rule 4.6 (C) or (D) and 4.6 (E), an ordinary mail waiver is requested

CINCINNATI, OHIO 45224-1134

Plaintiff(s)

Phone Number

VS.

Amount \$ 3,000.00

CAPITAL MANAGEMENT SERVICES, L.P.

726 Exchange Street, Suite 700

Buffalo, N.Y. 14210

Defendant(s)

Plaintiff says that there is due and owing from the defendant(s) the sum of Three Thousand Dollars dollars

For the following reason(s):

SEE ATTACHED.



Interest, if applicable, from the _____ day of _____, _____ Plus Court Costs.

ATTENTION: ALLOW SUFFICIENT TIME TO ENTER THE COURTHOUSE DUE TO SECURITY CHECK. DELAYS POSSIBLE.

Notice and summons in action for money only

To: (1) Capital Management Services, L.P.

(2) _____

726 Exchange Street, Suite 700Buffalo, N.Y. 14210

Notice to the Defendant: The court will hold trial on this claim at the Hamilton County Courthouse, 1000 Main St., Rm. 265 at 9:00 A.M., on:

12-21-12

If you do not appear at the trial, judgment may be entered against you by default, and your earnings may be subject to garnishment, or your property may be attached to satisfy the judgment. If your defense is supported by witnesses, account books, receipts, or other documentation, you must produce them at the trial. Subpoenas for witnesses, if necessary, should be filed with the clerk at least seven (7) days before the trial. If you believe you have a claim against the plaintiff, you must file a counterclaim with the court and must serve the plaintiff and all other parties with a copy of the counterclaim at least seven (7) days prior to the trial date of the plaintiff's claim. All filings to be filed/mailed with the appropriate fees to: Hamilton County Clerk of Courts 1000 Main St. Rm. 115, Cincinnati, Ohio 45202. If you admit the claim but desire time to pay, you may make such a request at the trial.

Memorandum to the Plaintiff

Bring your evidence and witnesses, if any, with you. Subpoenas for witnesses, if necessary, must be filed with the clerk at least seven (7) days before the trial date. On accident cases involving a motor vehicle, you must bring your title to the vehicle.

Plaintiff further states that to the best of their knowledge the defendant is / is not a member of the Armed Forces of the United States of America.

X

1136 St. Gregory Street, Suite 100, Cincinnati, Ohio 435202

513-929-4040

0067295

Signature of Plaintiff/Attorney

Attorney Address Only

Phone No.

Attorney ID No.

Subscribed and sworn to before me this _____ day of _____, 20____

HAMILTON COUNTY CLERK OF COURTS
 TRACY WINKLER

Clerk, Deputy Clerk, Notary Public

HAMILTON COUNTY MUNICIPAL COURT
SMALL CLAIMS DIVISION
HAMILTON COUNTY, OHIO.

RANDY RINEAR
7744 KNOLLWOODS LANE
Cincinnati, Ohio 45224-1134

NO: 12CV30000

(Judge _____)

Plaintiff :

v. :

CAPITAL MANAGEMENT SERVICES LP:
726 Exchange Street, Suite 700
Buffalo, N.Y. 14210

Defendants :

COMPLAINT FOR STATUTORY DAMAGES UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT, PURSUANT TO 15 U.S.C. §1692, *ET SEQ*
AND OHIO REVISED CODE §1319.12 *ET SEQ*

Comes now the Plaintiff, by and through counsel, and hereby states for his claim
as follows:

JURISDICTION AND VENUE

1. Pursuant to 15 U.S.C. 1692(h), §813(b)(2)(d) this action may be brought in
any Court of competent jurisdiction.

FACTS

2. Plaintiff allegedly received services from U.S. Bank
3. Capital Management Services, L.P. alleged a debt by Plaintiff on said account.
4. LYNV Funding, LLC employed a third party debt collector to collect said
debt.
5. Said debt has been denied by Plaintiff.

DEC 17 - 9 P 31

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OH

6. LYNV Funding LLC employed Capital Management Services, L.P. to collect said debt.
7. Capital Management Services, L.P. contacted Plaintiff by mail with respect to said debt. (See attached Exhibit "A").
8. Plaintiff has retained counsel.
9. Within thirty (30) days of receiving the notification form from the third party debt collector, Plaintiff denied the debt.
10. Defendant, Capital Management Services, L.P. was contacted by Plaintiff's counsel and was asked to forward proof of said debt. (See attached Exhibit "B", August 2, 2012 letter).
11. Defendant, Capital Management Services, L.P. has failed to comply therefore Penn is in violation of 15 U.S.C. 1692 *et seq.*
12. Pursuant to 15 U.S.C. 1692(k) §813, Defendant is liable to Plaintiff for failing to verify the debt upon proper request.
13. Defendant, Capital Management Services, L.P., failed to include statutorily required language as required under 15 U.S.C. 1692, §809(g)(a)(4).
14. Defendant has made false or misleading representations in its initial communication with Plaintiff, Exhibit "A", in violation of 15 U.S.C. 1692, §807(2)(A).
15. Plaintiff has suffered damages and attorneys' fees.

WHEREFORE, Plaintiff requests statutory damages of \$3,000.00 from the Defendant, for attorneys' fees, court costs and for any and all other relief which this Court may deem just and appropriate.

FILED - 9 - 12:31

NOV 21 2012
CLERK OF COURT
JANUARY 2013

Respectfully submitted,

McINTOSH & McINTOSH

By _____
A. Brian McIntosh
Reg. #0067295
Attorney for Plaintiff
1136 St. Gregory Street, Suite 100
Cincinnati, Ohio 45202
513-929-4040 (Telephone)
513-929-4070 (Fax)
Brian@McIntoshlaw.com

TO THE CLERK

Please issue certified mail service of the Summons and Complaint on the Defendants at their last known addresses of:

CAPITAL MANAGEMENT SERVICES, L.P.
726 Exchange Street, Suite 700
Buffalo, N.Y. 14210

2012 NOV - 9 P 12:31

TRACY WHITLER
CLERK OF COURTS
HAMILTON COUNTY, OH